

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP (797-1101)

SUBJECT: Resolution - Plat

Application No., Project Name and Location:
DG 5-2-01, ICW South Plat - 4400 Weston Road, Generally located on the north side of Griffin Road, between Weston Road and I-75.

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW SOUTH PLAT", AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The applicant proposes to amend the restrictive note on the plat **from** 152,338 square feet of commercial use and 125 room hotel; **to** 142,338 square feet of commercial use and 67,400 square feet of automobile dealership.

This amendment proposes to delete 125 room hotel and decreases the allowable commercial use from 152,338 square feet to 142,338 square feet while providing for a 67,400 square foot automobile dealership. This change will balance the number the number of trips associated with the conversion from the retail/hotel uses to the auto dealership and corrects previous plat note amendments which resulted in a loss of trips assigned to the site. The proposed plat amendment does not increase the number of trips on the roadway network and is consistent with the permitted use of the BP (Business Park) District.

PREVIOUS ACTIONS:

The Town Council approved a plat note amendment by Resolution No. 2000-301, to amend the restrictive note on the Plat **from** 152,338 square feet of commercial use and a 125 room hotel; **to** 142,338 square feet of commercial use and 62,150 square feet of automobile dealership at its December 20, 2000 meeting.

The Town Council approved a plat note amendment by Resolution No. 2000-240, to amend the restrictive Note on the Plat **from** 152,338 square feet of commercial use and a 125 room hotel; **to** 125,000 square feet of commercial use and 60,000 square feet of automobile dealership at its October 4, 2000 meeting.

CONCURRENCES: None

RECOMMENDATION(S): Motion to approve.

Attachment(s): Resolution, Planning Report, Justification Letter, Plat, Land Use map, Subject Site map, and Aerial.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW SOUTH PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat of the subdivision known as ICW South Plat was recorded in the public records of Broward County in Plat Book 123, Page 11; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires the Town of Davie concur with this revision prior to a review of the proposed by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the ICW South Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

Application #: DG 5-2-01

Revisions:

Exhibit "A":

Original Report Date: May 29, 2001

**TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation**

APPLICANT INFORMATION

Owner:

Name: Sandler at Broward, LP
c/o Sam Navon, Atty.
Navon, Kopelman, and Levin

Address: 2699 Stirling Road
Suite B100
City: Fort Lauderdale, FL 33312

Phone: (954) 967-2788

Agent:

Name: C. William Laystrom, Jr.

Address: 1177 SE 3 Avenue
City: Ft. Laud., FL 33316

Phone: (954) 762-3400

BACKGROUND INFORMATION

Application Request: To amend the restrictive note on the Plat from 152,338 square feet of commercial use and 125 room hotel; to 142,338 square feet of commercial use and 67,400 square feet of automobile dealership.

Address/Location: 4400 Weston Road, Generally located on the north side of Griffin Road, between Weston Road and I-75.

Land Use Plan Designation: Commercial

Zoning: BP, Business Park District

Existing Use: 106,745 square foot shopping center with three out-parcels, a 4.27 acre vacant parcel

Proposed Use: Addition of a 60,276 square foot automobile dealership.

Parcel Size: 31.512 acres

Surrounding Land Use:

North: Home Depot, Lake

South: South New River Canal/Griffin Road, FPL Substation

East: I-75

West: Weston Road/City of Weston

Surrounding Zoning:

North: BP, Business Park District

South: T, Transportation District and Utility District

East: T, Transportation District

West: A-1, Limited Agriculture (City of Weston)

ZONING HISTORY

Related Zoning History: This parcel is subject to a 1995 Settlement Agreement commonly referred to as the “Pasadena Imagination Farms” and “ICW” Agreement.

Previous Request on same property: The subject plat was recorded by Broward County on October 30, 1997, Plat Book 163, Page 45 of the Broward County records. The plat was restricted to 152,338 square feet commercial use and a 125 room hotel.

On October 4, 2000, Town Council approved plat amendment DG 8-2-00 amending the restrictive note to provide for a 57,338 square foot decrease of commercial use and to also provide for 60,000 square feet of auto dealership for lands within the “ICW South Plat”.

On November 2, 2000, Town Council approved a special permit allowing the filling of a lake with material obtained from off-premises in excess of 3,000 cubic yards.

On November 15, 2000, Town Council approved Ordinance No. 2000-37 which allowed the vacation of portions of Pointe West Drive road right-of-way, utility easements together with lake bank and lake maintenance easements.

On December 20, 2000, Town Council approved plat amendment DG 12-1-00 which corrected the previously approved note amendment by changing the auto dealership square footage from 60,000 square feet to 62,150 square feet.

On January 3, 2001, Town Council approved Ordinance No. 2001-8 which rezoned the subject site from BP, Business Park District to BP, Business Park District amending the approved conceptual master plan. The amended plan eliminated 4.81 acres of lake area, and shortened Pointe West Drive.

On May 2, 2001, Town Council approved a variance request to reduce the width of four landscape medians for double parking from 10 to 0 feet, and to reduce the width of one terminal island from 10 to 6.92 feet.

On May 2, 2001, Town Council approved a site development plan permitting the construction of a 60, 276 square foot auto dealership on 8.93 gross acres.

Summary of Significant Development Review Agency Comments

None

Application Codes and Ordinances

None

Comprehensive Plan Considerations

Planning Area: The proposed plat is in Planning Area 1 which constitutes the southwestern most portions of the Town, encompassing all the land north and south of Griffin Road and west of SW 148 Avenue. This planning area is bisected by I-75 which is accessed by Griffin Road and Stirling Road. Over 100 acres at the northwest intersection of I-75 and Orange Drive are planned for business park development, known as ICW West.

Broward County Comprehensive Plan: The Broward County Comprehensive Plan requires that any changes to the restrictive note on the plat be reviewed and approved or disapproved by the municipality, and with final approval by Broward County Commission.

Flexibility Zone: The proposed plat is in Flexibility Zone 113.

Concurrency Considerations: Based upon the most recently distributed edition of the Broward County Overcapacity Roadway Map, the subject area is in a compact deferral area. The application and accompanying trip calculations indicates no increase in trips on the roadway network.

Applicable Goals, Objectives & Policies: Several plan policies require consideration of traffic impacts from proposed development, and maintenance of adopted levels of service (see concurrency considerations).

Staff Analysis

The delegation request provides for the deletion of the 125 room hotel use, a 10,000 square foot decrease of the permitted commercial use, and a 5,250 square foot increase of the permitted automobile dealership use to balance the number of trips associated with the conversion from the retail/hotel uses to the auto dealership.

This revision will not increase the size of the dealership or modify the approved site plan

and is consistent with the approved Davie Center Master Plan.

Staff finds the delegation request is consistent with the Business Park permitted uses and will not increase trip generation committed to this plat.

Findings of Fact

The proposed change is not contrary to the Land Development Code or the adopted Comprehensive Plan, as amended, or any element or portion thereof.

Staff Recommendation

Recommendation: Based upon the above and the positive findings of fact, staff recommends approval of application number DG 5-2-01.

Exhibits

Resolution, Planning Report, Justification letter, Plat, Land Use Map, Subject Site, and Aerial.

Prepared By: _____

Reviewed By: _____

LAW OFFICES
DOUMAR, ALLSWORTH, CURTIS, CROSS, LAYSTROM,
PERLOFF, VOIGT, WACHS & MAC IVER, LLP

EMERSON ALLSWORTH, P.A.
F. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
WILLIAM S. CROSS, P.A. **
CHARLES L. CURTIS, P.A.
RAYMOND A. DOUMAR, P.A. *

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MIAMI (305) 945-3172
TELEFAX (954) 525-3423

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JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A. †

CHRISTINA D. CARAIS, P.A.
JOHN H. ADLER, III, P.A.

† ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN MICHIGAN
& BOARD CERTIFIED REAL ESTATE LAWYER
** CERTIFIED CIRCUIT CIVIL AND FAMILY MEDIATOR

May 16, 2001

Geri Baluss, Planning Aide
Town of Davie
6591 S. W. 45th Street
Davie, Florida 33314

Re: Rick Case Automotive Dealership -
Revised ICW South Plat Note Amendment

Dear Geri:

Please treat this correspondence as our justification letter to revise the previously approved amendment to the ICW South plat note to allow Rick Case to construct an automobile dealership at Davie Center. The Davie Center project is located west of I-75 at the Northeast corner of Griffin Road and Dykes Road.

I have attached the corrected calculations from Tinter Associates showing the reduction of 10,000 square feet of retail and 125 hotel rooms on the ICW South plat calculates out to an exchange for 67,400 square feet of automobile dealership use. This results in no increase to the trips generated by the automobile dealership use versus the retail/hotel uses which are being eliminated. The revisions will not change or increase the size of the dealership or modify the approved site plan in any way.

The dealership proposed by Mr. Case provides a missing link western residents of Davie will need for their future automotive needs and provide an alternate choice for their automotive purchases. Davie residents will be afforded an opportunity for selection and cost comparison between Honda and other brands without traveling across town or to another municipality.

Geri Baluss, Planning Aide
May 16, 2001
Page 2

Rick Case looks forward to being an integral part of the community in western Davie and has, simultaneously with the filing of this plat note amendment, file a site plan application for approval by the Town of Davie. The reason for this new revision is to slightly increase the size of the dealership square footage shown on the plat. We have not increased the size of the dealership shown on the site plan. Broward County recalculated the conversion from retail/hotel to automobile dealership and came up with 67,400 square feet rather than 62,150 square feet.

Your truly,

A handwritten signature in cursive script, appearing to read "C. William Laystrom, Jr.", written in dark ink.

C. WILLIAM LAYSTROM, JR.
For the Firm

CWL/kdr
Enc.

Geri Baluss, Planning Aide
May 16, 2001
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C. WILLIAM LAYSTROM, JR.
For the Firm

CWL/kdr
Enc.

ICW SOUTH

A PART OF THE ICW SOUTH CANAL PROJECT

AREA TABLE

TRACT	ACRES
TRACT 1	1.00
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TRACT 3	1.00
TRACT 4	1.00
TRACT 5	1.00
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PLAT NOTES

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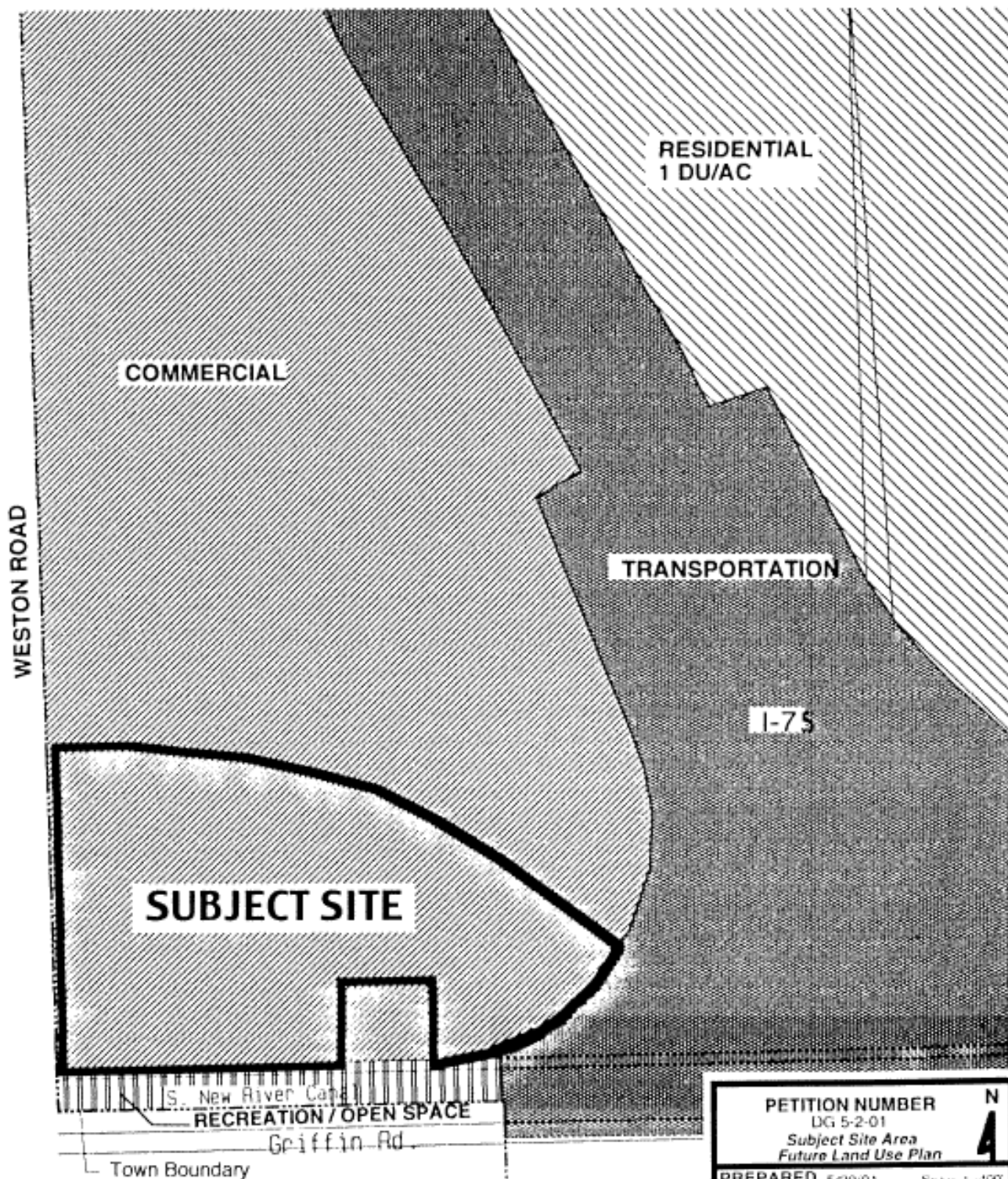
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INTERSTATE #75

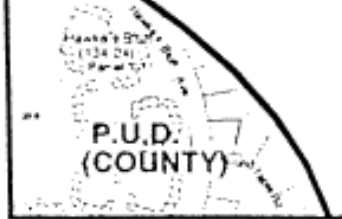
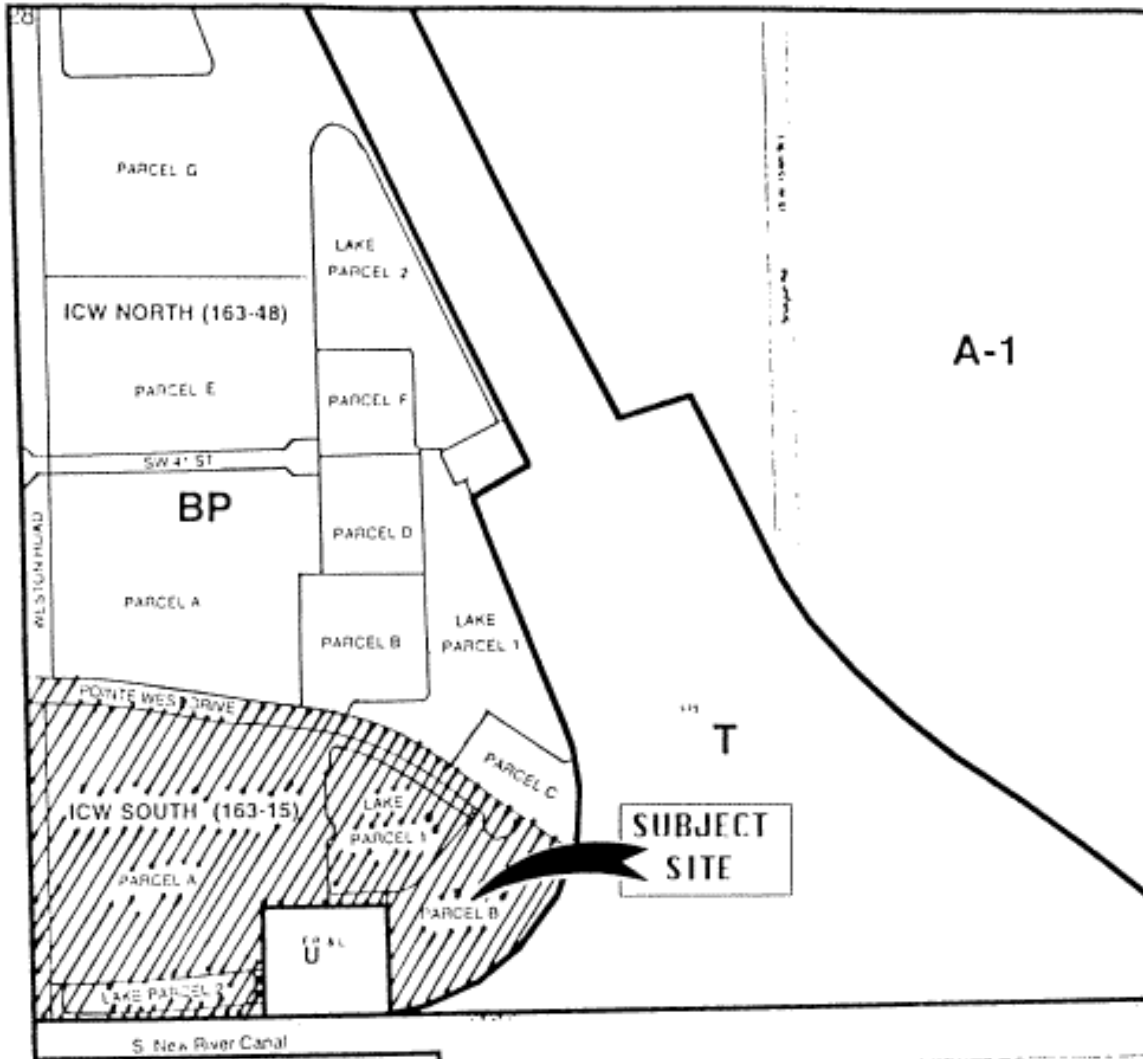
SOUTH NEW RIVER CANAL (C-11)

Miller

Miller



PETITION NUMBER DG 5-2-01 <i>Subject Site Area</i> <i>Future Land Use Plan</i>	N 4
PREPARED 5/29/01 BY THE PLANNING & ZONING DIVISION	Scale: 1"=400'



Hagler's Bend (132-241)

P.U.D. (COUNTY)

PETITION NUMBER
DG 5-2-01

Subject Site Area Zoning Map

PREPARED 5/29/01 Scale NTS
BY THE PLANNING &
ZONING DIVISION

N

